

Alexandria Gazette

ALEXANDRIA, VIRGINIA, SATURDAY, JULY 27, 1912.

WEATHER REPORT.

Fair tonight and Sunday; light to moderate north and northeast winds.

TIDE TABLE
Tomorrow—High tide 7.22 a. m. and 8 p. m.; low tide, 1.34 a. m. and 2.18 p. m.

PRICE, 2 CENTS

JUDGE TO DECIDE COUNCIL CASE

Takes Barrett-Lambert Proceedings Under Ad-
visement.

AN INTERESTING CASE

Question Thoroughly Thrashed Out in
Corporation Court Yesterday By
Judges Norton and Nicol.

The arguments in the quo warranto proceedings instituted by Robert S. Barrett against City Councilman Urban S. Lambert to secure a seat in common council, to which he claims he was elected last June, were brought to a conclusion in the Corporation Court late yesterday afternoon.

Judge Chichester, of Fredericksburg, who was designated by Governor Mann, took the case under advisement and said that he would render his decision sometime during the next week.

The arguments of the two attorneys, Judge Nicol for Mr. Barrett and Judge Norton for Mr. Lambert in which they gave their views of the legal position of the two contestants were thorough and most interesting to the audience who were familiar with many of the phases of the controversy. As outlined in the Gazette yesterday afternoon Judge Nicol in his opening address reviewed the facts leading up to the securing of the quo warranto. He did not argue the question more than to call the attention of the Court to some of the leading points which he elaborated upon when he answered Judge Norton.

Judge Norton had presented a combined demurrer and answer but as all the facts were agreed upon, his entire argument was upon the demurrer.

Judge Norton's arguments were confined to five principal grounds why Mr. Barrett is not entitled to a seat in Council. In the first place, he claimed Mr. Barrett has not been prevented by Council from exercising his duties. The mere fact that the majority in Council had not agreed with the presiding officer, who declared Mr. Barrett to be entitled to the seat held by Mr. Lambert did not constitute a refusal on the part of Council to seat Mr. Barrett.

His second point was that the act of 1906 under which Barrett claims he was elected, does not cancel section 1015 E of the code which provides that Council shall fill all vacancies in its body for the full unexpired term. On this point Judge Norton made an elaborate explanation of the number of conflicting statutes on the subject of vacancies and showing that the State legislature reached a definite and final conclusion when it passed the exhaustive act in relation to city officers, of which section 1015 E is a part. He could not see how the Legislature, three years later would pass an entirely conflicting act. He rather held that the two statutes were not in conflict, the first referring to vacancies in Council and the latter to all other vacancies.

The third point was the most important of those advanced by him and the one to which he devoted the larger part of his two hour argument was based on the theory that members of Council are not municipal officers and cannot, therefore be included in the section of the code which was passed in 1906. He spoke at great length on this point, quoting many authorities. He agreed that a member of Council performed many municipal duties and in that respect only was he a municipal officer; but a Councilman performed certain state functions which made him a state officer as well. He cited a well-known decision of the Supreme court which held that a policeman was a state officer and not a municipal officer.

But admitting that the law of 1906 was effective, continued Judge Norton in taking up his next point, Mr. Barrett was not entitled to a seat in Council because the election of June 11th was not a valid one. The law says that when an election to fill a vacancy is to be held a writ of election must be issued and this was not done.

The last point made by Judge Nor-

BASEBALL AVERAGES.

Standing of Players on Local Team
Who Have Taken Part in Five
or More Games.

Won Lost Ave.
A. B. C. 17 6 .680
The batting and fielding averages of all the men on the local baseball team, who have played in five or more games are tabulated below.

Batting Averages.
G A B R H SB Ave
Lynch 14 48 17 19 6 .396
Walker 19 80 31 27 8 .388
Miller 15 66 20 25 7 .379
Burgendine 6 17 5 6 2 .353
Trenary 24 92 17 30 10 .326
Patterson 24 83 19 27 6 .325
Snowden 21 79 18 25 13 .316
Astryke 25 88 24 26 13 .296
Burrell 19 58 15 16 1 .276
Scrivener 13 51 12 14 2 .275
Anderton 7 22 3 6 2 .273
Downey 19 72 26 19 8 .264
Pitts 5 18 1 4 0 .222
Risdon 10 32 4 4 1 .125
Extra Men 64 9 11 6 ...

Fielding Averages.
PO A E Ave.
Astryke 223 15 6 .971
Patterson 177 44 8 .965
Snowden 26 10 4 .900
Burgendine 2 12 2 .875
Downey 43 47 13 .874
Miller 42 40 13 .863
Trenary 27 25 10 .839
Burrell 9 24 7 .816
Walker 18 2 5 .800
Pitts 1 7 2 .800
Scrivener 25 19 13 .772
Risdon 14 9 7 .766
Lynch 13 3 5 .765
Anderton 7 10 6 .740
Extra Men 26 24 4 ...

Total 370, 221, 259, 85, 297

Total 652 291 105 .898

Local Brevities

A reward of \$200 will be paid, it is said, for information leading to the arrest of the negro who on Monday last made a brutal attack on Mrs. Maud Hoffman near her home at Addison, Alexandria county.

A deed was recorded in the clerk's office of the Corporation Court today from T. R. Bean to the Robert Porter Brewing Company, conveying to the latter a lot on the east side of St. Asaph street, between Pendleton and Wythe.

Some excitement was caused on upper King street last night by a fight which took place between two women.

D. Worth Stanton has sold to Leroy Beach a house on the south side of King street, between Fairfax and Lee.

Charles M. Seals has sold to Thomas and William C. Chauncey a house and lot on the west side of Alfred street, between Duke and Wolfe.

ton was that Mr. Barrett had lost all right to any office that he might have held by failing to qualify on June 20th which was the date on which he secured his certificate of election from Clerk Greenaway. He did not take the oath of office until June 28th.

Judge Nicol presented his side of the case in an eloquent and convincing manner, speaking for three hours and taking up in detail each of these arguments. He said however that there was only one question involved and that was whether or not the act of 1906 meant to include members of council when it referred to all municipal officers elective by the people. Judge Nicol said that there could be no other construction placed on the law. It was meant to give the people an opportunity to elect their own representatives. Councilmen are elected for four years and it might be possible under the view of the law taken by Judge Norton to have a majority in Council who had never been elected by the people. On a point advanced by his opponent as to members of council not being municipal officers, Judge Nicol quoted two decisions of the Supreme Court of Virginia, which clearly held that members of council were municipal officers. Judge Nicol gave the court his views of the reason the Legislature had passed the act of 1906 and also read a letter from City Attorney Pollard of Richmond City which stated that Richmond was being governed by the act of 1906, having changed its charter to conform with the said act.

PREPARATIONS FOR ELKS' BIG SHOW

Large Force Make Ready
for Big Celebration at
Luna Park.

OPENS MONDAY NIGHT

Chairman Harvell of Washington
Committee Gives His Views in Reference to Elks Celebration.

All preparations have been completed for the big celebration by the Elks at Luna Park commencing next Monday night. A large force of men have been at work all during the week in getting the grounds in first class shape for the big festival and everything will be in readiness on Monday night. The various attractions have been placed in condition and everyone that goes to the park will find plenty of things to amuse them.

Superintendent Cliff of the Washington-Virginia Railway has promised a fine train service during the week. Special cars will leave both Alexandria and Washington every ten minutes from 7:30 until ten o'clock and every preparation has been made for the handling of the big crowd that is expected to attend the festival.

The members of the Alexandria committee are requested to be on the grounds promptly at seven o'clock Monday night when they will be assigned to the various concessions.

The Washington Elks are taking a great deal of interest in the affair and their committees have been very active in doing their share of the work. The chairman of the Washington committee is George H. Havell, esteemed leading knight of Washington lodge, assisted by a corps of willing workers.

Mr. Havell in an interview yesterday said:

"The purpose of the reunion is to provide innocent and wholesome fun for all ages and thereby to emphasize the beneficial results of true fraternalism, create a community of interest between the lodges and between the individual members of each, and promote the efficient discharge of those functions upon which the prosperity of the brotherhood depends.

"The B. P. O. E., he said, is not, as sometimes considered, merely a social organization. The benevolent and protective duties which it assumes embrace the amelioration of sorrow and suffering, and when occasion demands the supplying of whatever material assistance may be needed to overcome the pinches of poverty or ill fortune. Such work demands a keen sense of fraternal obligation, and to promote this spirit the reunion was evolved. The method of commemorating the coalition was conceived in the belief that tears of laughter, as well as tears of sorrow, wash out the lines of caste and make men akin.

"To give the fraternal aspect of the undertaking wider scope, all fraternities represented in the District, without respect to sect or creed, will be invited to participate in the reunion, as guests, on specified nights, and the general public will at all times be welcome."

Police Court

Justice H. B. Caton presiding

Malvin Johnson, colored, charged with stealing watermelons from a car on Union street, had his case continued.

Joseph Harris, colored charged with gambling was fined \$5.

Samuel Marbury, colored, charged with a similar offense, forfeited his collateral by failing to appear.

A storekeeper, charged with allowing water from an ice box to run on the pavement in front of his store, was directed to connect his premises with the sewer.

FOR SALE—Nine room boarding house in Washington; in center of city, well established with twenty table boarders; owner is compelled to sell on account of other business. Price, \$350. Address Boarding, care Gazette.

CHURCH SERVICES TOMORROW

Union Services to Be Held at First
Baptist Church Tomorrow Night.
—Sermon Topics.

The union services of a number of the protestant churches will be held tomorrow night in the First Baptist Church. The sermon will be preached by Rev. H. M. Canter, D. D., pastor of the Washington Street Methodist Church South.

At the First Baptist Church tomorrow morning the sermon will be preached by Rev. W. F. Watson, D. D., who will take for his topic, "The Four Great Facts in a Christian's experience."

At the Lutheran Church tomorrow morning at the 11 o'clock services the ordination services of Rev. C. F. Brandt will be held.

Rev. Dr. John Lee Allison will preach at 10 a. m. and 8 p. m. tomorrow. His evening theme will be "David a Notable Character in Old Testament History." Sunday school 9:30 a. m. Men's Bible class 10 a. m. Lecture Dr. Allison. Mr. Lucke the assistant preacher at Sherwood Hall 11 a. m.

At the Washington Street Methodist Church tomorrow, the pastor, Rev. H. M. Canter, D. D., will preach at the morning service on "The Unknown Element in Human Effort." In the evening the congregation will join in the union service at the First Baptist Church.

Rev. A. A. Luttrell, will preach on the subject Sunday morning at 11 a. m. "Where Are the Dead?" This is a much discussed subject lately and very popular with a certain class of men not in line with the great today of Christian believers. Rev. Luttrell will explain his views to the church.

CHURCH SERVICES TOMORROW.

Rev. William J. Morton, rector. Sunday School, 9:30 a. m. Services at 11:00 a. m., and 6:45 p. m. Holy Communion, 7:30 a. m.

St. Paul's Church.
Rev. P. P. Phillips, rector. Sunday School, 9:30 a. m. Services at 11:00 a. m. and 8 p. m.

Grace Church.
Rev. Edgar Carpenter, rector. Sunday School, 9:30 a. m. Services at 11:00 a. m., 8 p. m. Holy Communion at 7:30 a. m.

St. Mary's Church.
First mass, 7:00 a. m. Sunday School 9:30 a. m. Late mass, 10:00 a. m. followed by Benediction of the Blessed Sacrament. Baptism at 4:00 p. m.

Second Presbyterian Church.
Rev. J. L. Allison, D. D., pastor. Sunday School, 9:30 a. m. Services, 11:00 a. m., 8:00 p. m., by the pastor.

First Presbyterian Church.
Sunday School at 2:00 p. m.
Payne Street Mission.
Sunday School at 9:30 a. m.
Emmanuel Lutheran Church.
Ordination service at 11 a. m.

First Baptist Church.
Rev. W. F. Watson, pastor. Sunday School, 9:30 a. m. Preaching at 11 a. m. Union services at 8 p. m.

Second Baptist Church; Rev. C. K. Hobbs, pastor. Sunday school at 9:30 a. m. Services 11 a. m. and 8:00 p. m.

Trinity Methodist Episcopal Church.
Sabbath School 9:30 a. m. Services at 11:00 a. m. and 3:00 p. m.

Methodist Protestant Church.
Rev. C. R. Strausburg, pastor. Sunday School, 9:30 a. m. Preaching, 11:00 a. m. Junior C. E., 3:00 p. m. Sr. C. E., 7:15 p. m. Wednesday prayer meeting at 8 p. m.

Methodist Episcopal Church South.
Rev. H. M. Canter, pastor. Sunday school, 9:30 a. m. Preaching at 11 a. m. Epworth League services at 7:15 p. m.

ALEXANDRIA NEWS SOLD.
Announcement has been made by the Alexandria News that the controlling interest in that paper has been sold to a dozen business men of Alexandria who have elected the following officers:
J. Randall Caton, Jr., president; L. W. DeMott, vice-president; R. E. Knight, secretary and treasurer; Geo. D. Hopkins and C. S. Taylor Burke.

SUSPECTS HELD WITHOUT BAIL

More Arrests in Rosenthal
Murder Case—Startling
Developments.

SAW WEBBER RUNNING

Others to Be Apprehended—Mysterious Woman Appears at Police
Headquarters and is Closeted.

New York, July 27.—Possibly the most startling development of this, the eleventh day after the murder of gambler Herman Rosenthal, was the establishment of the fact that John A. Rich, alias Jack Sullivan, whose real name is Jacob Reich, the latest man to be held for the killing, is the close associate of Police Lieutenant Charles Becker, and admittedly was a passenger in Becker's automobile most of the night before the murder.

He left the Becker automobile not long before the shooting, at "Bridge" Webber's gambling house in Forty-second street. Louis Krese, the mysterious surprise witness who yesterday identified Sullivan as one of the men he saw in front of the Metropole Hotel at the time of Rosenthal's assassination, also swore positively that he saw Webber running away.

On the testimony of Krese, who is a Coney Island waiter and of "Barber John" Reiser, who swore that he saw Webber running from the scene of Rosenthal's murder, Webber today is held in a Tombs cell without bail, charged with the murder of Rosenthal, and will be held there until August 15 the date set for the Rosenthal inquest.

Another man now held without bail directly charged with the gambler's murder is Frank Cirofici, "Dago Frank," committed to the Tombs after his story told to District Attorney Whitman had been proved false by the accidental discovery of a photograph. Crossquestioned by Deputy Commissioner Dougherty, "Dago Frank" positively denied knowing "Whitey" Louis, "Lefty" Loewy and "Gyp the Blood" while Dougherty at the moment was in possession of a group photograph taken at Coney Island, in which appeared Cirofici, Louis, Loewy, "Gyp the Blood" and two women.

Mayor Gaynor who yesterday wrote Commissioner Waldo a letter ordering him not to suspend Becker, and expressing confidence in the commissioner, today declined to take any action on the petition presented by Alderman Curran and signed by seven members of the board be called to consider the Rosenthal case.

The mayor said he would reply to Curran on Monday.

That the day's developments in the Rosenthal murder gambling inquisition might include the capture of Harry Horowitz, an east side gambler, known as "Gyp, the Blood," believed to have been a member of the "murder car" was indicated by the appearance at headquarters today of a mysterious woman, said to be the wife of Horowitz.

The woman was brought by detectives from Far Rockaway and taken to the office of Deputy Commissioner Dougherty with whom she was closeted. The detectives and Dougherty declined to tell anything about her.

"Jack" Sullivan, whose real name is Reich, and who is known on the east side as "King of the newsboys" today was held without bail by Coroner Feinberg, for complicity in the murder of Rosenthal and was remanded to a cell in the Tombs until Monday when he will be given a hearing.

Sullivan was in an ugly mood when he was arraigned, at the request of Assistant District Attorney Moss on the affidavit of Detective Finn.

"That man Krese is a nut" Sullivan declared, "and ought to be either in jail or in an asylum. He is one of the morbid sensationalists who always turns up in every big murder investigation."

Sullivan said that he did not reach the scene of Rosenthal's murder until ten minutes after the shooting, when there were fully 1,000 persons around the Metropole and he asserted that it was he who telephoned the newspapers about the killing.

FINNELL STILL LEADS.

Is Over 100,000 Ahead of Nearest
Contestant in Fly-Killing
Campaign.

Millard Finnell still leads in the fly killing campaign being conducted by the health department of Alexandria. Up to last night his score was 362,000. The standing of all the contestants over 10,000 is as follows:

Finnell, Millard	362,000
King, Charles	237,300
Chauncey, Julian	165,900
Noonan, Hilda	161,600
Travers, Russell	123,800
Penn, Milton	95,300
Roland, Clarence	73,600
Bogue, Olive	75,200
Jones, Alma	65,600
Brown, Abbie	54,600
Wittom, Mary	61,100
Peyton, Nellie	58,300
Summers, Frank	54,500
Merchant, Blanche	51,000
Russell, Roscoe	46,600
Cockrell, Leolo	46,400
Downham, Purvis	42,600
Todd, Mabel	41,500
Feagan, Frank	38,800
Howell, Rosina	31,200
Kersey, Helen	32,100
Foss, Charles	30,300
Wells, George	24,900
Rice, George	22,550
Schlecting, Amelia	20,700
Groves, French	18,200
DeVaughn, Everett	17,900
Draper, Roy	15,900
Hays, Dorothy	13,600
Sullivan, Walter	13,400
Nails, Thelma	12,950
Sorrell, Annie	11,500
Wood, Clifton	10,300

WANTS A CHANCE

Pittsburgh, July 27.—A convicted forger in Kentucky branch prison, Eddyville, Ky., pleads for a chance to make good upon his release in the following "want ad" received by a local paper today:

"WANTED—A chance to make good. An inmate of Kentucky branch prison convicted of forgery, I may be released on parole on condition I secure a position. Am a good office man and can hold down a job of any sort where brains and intelligence are required. For the past 18 months have had charge of cutting department of shirt contract and can fill similar position in any factory.

"I am 40, single, and temperate. My bridges are burnt behind me and I want to earn an honest living. I would like to return to Pennsylvania, my native state.

"If you have any faith in human sincerity and can give me a 'lift' write me. I'll make good."

A letter accompanying the "ad" made a further appeal.

"I have entered upon the last lap of my term of imprisonment," said the letter, "and now the future, which has been a vague and distant thing, has given way to keen concern for plans of employment.

"To be sure I have forfeited the respect of my former friends, and cannot apply to them for assistance. These years of reflection and solitude have not been without gain. I have full confidence in myself and in my ability to succeed. The first foothold, here's the rub. It is necessary for me to gain the interest of some one who is willing to put faith in the word of a convict."

The forger then tells that he struck upon the "audacious" idea of the "ad" and requests credit for use of the necessary space. "I am right with myself, and will win out," he said. "You may be able to point with pride some day to your act of clarity which I am not soliciting. I want work, and kind, if only for a day. Out of these years of bitter experience, I have learned that nothing in the way of success is worth while except through truth and right living."

BOY SCOUTS TO CAMP

Troop No. 1, Boy Scouts of America, will leave for camp Monday morning by the steamer Charles Macalester for Marshall Hall where they will go into camp for a week. The boys were busy last night packing boxes. Everything is being arranged for the comfort of the boys. All boys must report tonight for inspection. The camp will be in charge of Commissioner Harry W. Rudd.

Miss Mary Woytych, daughter of Mrs. and Mrs. Louis J. Woytych, of Woytych station on the Washington Baltimore and Annapolis Railroad, was drowned yesterday afternoon off Horseshoe Point, on the Severn, about three miles from Annapolis.

DOZEN MEN ARE REPORTED KILLED

Frightful Stories of Attacks
Upon Defenseless
Women

IN A SAVAGE STATE

Every Ravine Dangerous Ambush—
Miners and Guards Engage in Battle—3,000 Rounds Fired.

Charleston, W. Va., July 27.—Three companies of state militia from Mount Gretna, Pa., arrived by special train to day and marched on the Paint Creek Mining section where a dozen men are reported to have been killed in fighting between Baldwin detectives and striking coal miners. No complete fatality returns were available today, but a mining official fresh from the scene of the trouble said:

"Hell has broken loose. We hope the soldiers will put a stop to it." The official refused to discuss the situation further. The private guards of the mining companies are believed to have instituted the bull pen and other repressive measures.

The known dead are William Stringer, and Gus Pinson, private guards. William Phaup, chief of the Baldwin detectives, is at Shelters Arms Hospital with bullets in both arms. He will recover. The miners' losses in yesterday's fighting around Mucklow are not known.

Adjutant General Elliott, and 25 men of Company C, are encamped near Mucklow but the territory is too big for them.

For a distance of 12 miles around the mouth of Paint Creek the center of one large company's operations, the inhabitants are said to have lapsed into a state of primitive savagery, spurred on by the depredations of the private guards. Frightful stories of attacks on defenseless women and raids on homes reached here.

That more than two men were killed on both sides was considered certain by men who came out of the troubled region today. They said the back woodsmen had joined with the strikers in the war upon the private guards.

Every ravine affords means for a deadly ambush. The militiamen unfamiliar with the ground, unacquainted to the guerrilla warfare of the back-woodsmen cannot hope to cope with the situation except in large numbers.

Six hundred miners and hillsmen fought against several hundred private guards in the engagement near Mucklow yesterday. Over 3,000 rounds were fired. The miners are desperately poor from three months' striking for higher wages and better working conditions. Their attack centered on the company's stores. The outcome of the fighting is not known in Charleston. Communication with the Paint Creek section is possible only by foot, all wires being down.

That the fighting was renewed today was considered certain. The frantic call for the state troops made by the mine owners was interpreted here as meaning that the miners more than held their own in previous engagements.

LOST—At Braddock, gold breast pin with pearl in center. Reward if returned to Mr. Meade, Braddock Heights. jul27-3t.

\$8 ROUND TRIP ASHEVILLE

and other points in
WESTERN NORTH CAROLINA
Sat. August 3, 1912

Southern Railway

Premier Carrier of the South
Leave Washington 6.05 p. m.
Alexandria 6.22 p. m.
Arrive Asheville 9.30 a. m.
Through Coaches and Sleeping Cars—Dining Car Service
For illustrated literature, information and reservations, apply to L. S. BROWN, General Agent Washington, D. C.
W. G. LEHEW, Union Ticket Agent, Alexandria, Va.